

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Misc. Business Docket No.:

04 MBD 10234

In Re Robin Conway and
Paul A. Conway,

Petitioners.

ORAL ARGUMENT REQUESTED

EMERGENCY MOTION TO PERPETUATE TESTIMONY

The petitioners, Robin Conway and Paul Conway, submit this emergency motion pursuant to Federal Rule of Civil Procedure 27(a) to perpetuate testimony and to shorten the 20-day notice period required by Rule 27(a). Mr. Conway was just discharged from Massachusetts General Hospital with a prognosis that he has not more than four to six weeks to live. He is suffering from a malignant astrocytoma with features of both anaplastic PXA and GBM, an aggressive and deadly form of cancer, which was identified on an MRI in August 2003 but undiagnosed until it was too late. The Conways have potential medical malpractice claims against the United States and Dr. John Stram under the Federal Tort Claims Act.

The Deputy Clerk has consulted the government and informs me that it does not oppose this motion. It is, therefore, hereby ALLOWED.

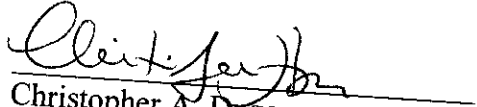
W64, D.J.

AUGUST 31, 2004

The petitioners rely on the attached Rule 27 Verified Petition to support their motion.
The petitioners request that the Court dispense with the 20-day notice period and hold an
emergency hearing on their motion and Rule 27 Petition right away.

The petitioners respectfully request the opportunity to present oral argument.

ROBIN CONWAY and
PAUL A. CONWAY,
By their attorneys,



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